



The Case of Rudolf Hess

By EDWARD L. DELANEY

THE CONTINUED incarceration of Rudolf Hess, as the only inmate of Berlin's Spandau Prison, is a disgraceful international scandal. A major part of that disgrace may be laid squarely on the President of the United States who could take action to release Hess, but supinely bow to the will of the Soviet Union.

Writing on this subject, Julius Epstein, research associate at the Hoover Institution on War, Revolution and

Peace at Stanford University, California, puts the blame where it belongs.

He asserts: "There are several legally valid reasons for the immediate release of Hess. One of the lesser known reasons is the fact that two psychiatrists who examined Hess in 1941 and 1948, arrived at the same diagnosis without knowing about each other. The British psychiatrist, Dr. J. R. Rees, who examined Hess shortly after his flight to Scotland in 1941 diagnosed schizophrenia, implying that Hess was insane.

"The American psychiatrist, Dr. Maurice Walsh, interviewed Hess in Spandau prison in 1948. His diagnosis was the same as that of Dr. Rees. But both psychiatrists were strictly forbidden to tell the truth in their reports. Why?"

Dr. Rees, on direct order of the then British Prime Minister, Sir Winston Churchill, was forced to falsify his report. Dr. Walsh, the American, was ordered to falsify his diagnosis, by the surgeon of the American garrison in Berlin, Col. Chamberlin.

The reason given for Churchill's order to falsify the medical report was that he wanted Hess kept in England so he could be tried after the war as a "war criminal." Only a moron will accept that transparent alibi.

The shocking truth is that official reports of both British and American specialists were falsified and suppressed for reasons not revealed.

Rudolf Hess was a close associate of Adolf Hitler. He was an experienced and competent aviator but took no active part in World War II. One night 29 years ago last May, Hess took off alone from Germany in a light plane, crossed the English Channel and risked his life by making a parachute landing in Scotland.

He asked to be taken to Winston Churchill, indicating he had a message for him. From that night—over 29 years ago—Hess ceased to be a free man. He has been in various prisons and

is presently the only inmate of Spandau Prison in Berlin.

Acquitted on Two Counts

At the Nuremberg trials Hess had been acquitted on two of the three counts in his indictment: War Crimes and Crimes Against Humanity. He was found guilty on the third count — "Aggressive War." Julius Epstein points out that "Aggressive War" was no statutory crime at the time and his conviction was a classic example of 'ex post facto jurisdiction' which is condemned by all civilized nations. The U.S. Constitution prohibits the creation of such law in its Article 1, Sec. 9.

The United States, Britain and France have demanded the release of Hess from Spandau. The Soviet objects. All the others who were convicted at Nuremberg and sentenced to Spandau Prison—some for life—have long since been released. Only Hess, who was illegally convicted, remains in Spandau.

An organization "Freedom for Rudolf Hess" was founded in Germany in 1967. Its appeal for the release of Hess was signed by over 800 distinguished statesmen, Nobel Prize winners, lawyers, writers and scholars. Sir Hartley Shawcross, the British Chief Prosecutor at Nuremberg and other judges who pronounced the sentence on Hess, wrote Wolf Ruediger Hess (the son of Rudolf): "I have expressed my opinion that Hess should be released. I will once more express these feelings with the hope it may be of some avail."

Petitioner is Arrested

In December 1969 a young Austrian woman, Gerlinde Haberl, was arrested in Paris and expelled from the country because she endeavored to hand President Nixon a petition to free Hess after over 25 years in prison. The American news services mentioned the incident, but did not give the background of Gerlinde Haberl or the text of her petition.

When this writer was in Europe recently, he went to Salzburg for the sole purpose of interviewing Miss Haberl.

She is a 24-year-old philosophy student of the no-nonsense kind, belonging to no political party and does not seek personal publicity. She has what some present-day students would regard as fanatical zeal and determination to do what she regards as logical, legal and right.

Quite by chance while with a party of students in Paris she picked up a book in a shop which told much of the Hess case. She admits not having any peace of mind since, always thinking of the injustice of those who convicted Hess under no international law of that period or of today.

She learned that Hess was born of German parents in Cairo, Egypt, where he spent his early days, when that country was under British influence. He had an aversion to war and was regarded by some of his associates as demented on the subject. Although a skilled flyer he did not participate in any German air operations.

Fraulein Haberl would not venture a supposition as to the purpose of his flight to Britain that night. Did he have a message from Hitler or was he hoping to be a peace mediator between England and Germany? Certainly he did not risk his life without there being some impelling reason.

Gerlinde Haberl was and is primarily concerned with the illegal aspect of the Nuremberg court which convicted Hess on the charge of "preparation for war."

She told me: "In no international juridical code book—of the World Court at the Hague, in the several Geneva conventions, or elsewhere—is there mention of 'preparation for war' as a crime. Yet that is the charge against Hess."

She has tried to make the world conscious of this perversion of justice. She went to Berlin and quizzed those at

Spandau prison, with no result, of course. Then she went to Moscow hoping to see Kosygin but was unsuccessful. She did get to see Kosygin's daughter to whom she gave her petition for release of Hess. The daughter promised to get the petition to her father.

Then the determined young woman from Salzburg went to the office of *Pravda*—the Soviet official newspaper—where a copy of her petition was left. No mention in *Pravda* of course. Copies of her petition were sent the president of France and Harold Wilson, then British prime minister. Then came her effort to reach President Nixon who was visiting Paris. That resulted in her arrest by the security police and her expulsion from France. "But I got the petition into the hands of a man in the President's entourage," she told me, "and I have since been informed that President Nixon received it." He, of course, has done exactly nothing about releasing Hess from Spandau, which he could do without consulting the Soviet or the other signers of that "agreement."

Both Gerlinde Haberl and Julius Epstein informed me that the French writer, Michel Vercel, declared he has seen the statutes of the Spandau Prison Administration. He discovered a provision according to which, each of the Four-Powers has the right to withdraw from the four-power administration of the prison—with its single inmate.

U.S. Can Withdraw

If the statute is as Vercel asserted and as reported in the *London Times* of Oct. 1, 1968, there is no reason why the Western Allies should not take advantage of that part of the "agreement" and release Hess when they will.

Julius Epstein, of the Hoover Institute at Stanford University, wrote Aleksei Kosygin, Oct. 28, 1968, urging that the Soviet reconsider its denial of repeated requests by the three Western Allies

for the release of the 75 year old Rudolf Hess, the sole prisoner in Sandau.

Many days later Kosygin replied, as follows: "In its statement of Dec. 24, 1964 the Soviet government pointed out that the FRG (Federal Republic of Germany) being one of the successors of the former Hitler Reich, is legally responsible to punish every war criminal and nobody can free the FGR from its responsibilities."

That letter is stupidly evasive of the issue. Hess never was a responsibility of the present German Republic. He was and still is a liability of the United States, Britain, France and the Soviet Union. It is monumental audacity for Kosygin to speak of "war criminals" when the entire civilized world knows of the wanton slaughter of the estimated 15,000 Polish officers and others in the Katyn Forest near Smolensk, Russia. To this day that massacre has not been "officially" included in the many "war crimes" of the Soviet.

It is glaringly apparent that the Soviet and perhaps some remnants of the World War II daze do not want Hess to reveal the message he risked his life to take to Britain. Was it a peace offer to the West which if accepted would have spared millions of lives and five more years of war? Was there a faction in Britain that wanted war—to serve their ends?

Could it be that Hess warned of the dire consequences to all Western Christian civilization if the Russians were permitted to settle like a scourge in Central Europe? The fact is that about three weeks after the flight of Hess to Britain the German forces turned on the Soviet, with the result we see today. The imprisonment of Hess is a diabolical, disgraceful international scandal. President Nixon can and should release Hess. His continued inaction in this shocking miscarriage of justice appears to confirm what some of his critics aver. That he too, refuses to "embarrass" the Soviet.